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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,535	11/22/2006	Kazuo Kuroda	8048-1192	3720

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EXAMINER	
SASINOWSKI, ANDREW	
ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
12/24/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No.	Applicant(s)	
	10/594,535	KURODA, KAZUO	
	Examiner	Art Unit	
	ANDREW J. SASINOWSKI	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 November 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/28/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3, 5 – 6, and 8 - 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito {Japan Publication 10/198972}.

Regarding claim 1, Saito teaches:

- An eccentricity detecting method of detecting an eccentricity between a first recording layer and a second recording layer of an information recording medium comprising the first recording layer and the second recording layer, each of which is for recording record information **[abstract]**, said eccentricity detecting method comprising:
- a detecting process of detecting at least one of first position information and second position information **[§0027]**, the first position information indicating a position of each of at least two reference points **[§0028, note that computing the rotation angle position eccentricity of a single layer would inherently require at least two measurements on the layer, also note fig. 4,]** in one

recording layer out of the first and second recording layers, the second position information indicating a position of respective one of at least two target points **[§0028, note that computing the rotation angle position eccentricity of a single layer would inherently require at least two measurements on the layer]** which corresponds to each of the at least two reference points respectively, in other recording layer out of the first and second recording layers **[§0027, note each layer is separately analyzed]**;

- and a calculating process of calculating the eccentricity, on the basis of the at least one of the first and second position information detected **[§0027]**.

Regarding claim 2, Saito teaches:

- a laser irradiating process of irradiating each of the at least two reference points with laser light and of setting a focus position of the laser light on each of the reference points **[§0045]**;
- a layer jump process of performing layer jump by which the focus position of the laser light set on each of the at least two reference points is changed to the other recording layer **[§0026]**;

- and a position information detecting process of detecting the second position information by setting the focus position of the laser light on the at least two target points **[§0034]**.

Regarding claim 3, Saito teaches:

- wherein each of the first and second recording layers has a spiral or concentric recording track **[§0014]**,
- in said laser irradiating process, the focus position is set by performing tracking servo by which the focus position of the laser light is set along the recording track **[§0027, focus servo means]**,
- in said layer jump process, the focus position is changed, with an irradiating position of the laser light fixed, in such a condition that the tracking servo is open **[§0027, "focus is switched..']**,
- and in said position information detecting process, the second position information is detected in such a condition that the tracking servo is closed **[§0029]**.

Regarding claim 5, Saito teaches:

- wherein an address value capable of specifying a position on the first recording layer is recorded in advance in the first recording layer, and an address value capable of specifying a position on the second recording

layer is recorded in advance in the second recording layer **[§0028, memorized angular position information]**,

- and in said detecting process, address information including the address value is detected as the first and second position information **[§0028, memorized angular position information]**.

Regarding claim 6, Saito teaches:

- wherein the information recording medium is a disc-shaped information recording medium **[fig 2]**,
- and each of the first and second recording layers has a spiral or concentric recording track **[§0014]**,
- and the first and second position information includes information indicating a radial position of the information recording medium or a track number of the recording track **[§0023, rough seek operation]**.

Regarding claim 8, Saito teaches:

- a difference calculating process of obtaining a difference between the first position information and the second position information **[§0028, movement point calculation]**;

- relationship calculating process of approximately calculating an association relationship between a position on the information recording medium and the difference, on the basis of the difference calculated in said difference calculating process **[§0028, calculation memory measure between layers]**;
- and an eccentricity calculating process of calculating the eccentricity, on the basis of the association relationship calculated in said relationship calculating process **[§0029]**.

Regarding claim 9, Saito teaches:

- wherein in said detecting process, at least one of the first and second position information is detected **[§0028, memorized angular position information]**;
- on the basis of at least one of a second association table and a second association equation each of which associates the address information with coordinate information indicating coordinates of the position on a recording surface of at least one of the first and second recording layers **[§0028, memorized angular position information]**;

Regarding claim 10, Saito teaches:

- a first calculating process of calculating coordinates of a central point of the at least two target points, on the basis of the second position information **[§0028, memorized angular position information]**;
- a second calculating process of calculating coordinates of a central point of the other recording layer **[§0028, memorized angular position information], note each layer is calculated separately]**;
- and an eccentricity calculating process of calculating the eccentricity, on the basis of the coordinates of the central point of the at least two target points and the coordinates of the central point of the other recording layer **[§0028, eccentric direction detection means]**.

Regarding claim 11, Saito teaches:

- wherein the information recording medium is a disc-shaped information recording medium **[fig. 2]**,
- and the at least two reference points are at least three reference points **[fig. 4, A, B, C, D]** distributed in an area with an angle of at least 180 degrees or more on the information recording medium **[fig. 4, note point A to point C is more than 180 degrees]**.

Claim 12 is within the same scope as claim 1. Therefore, claim 12 is rejected using the same reference and citations as those found in claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito in view of Ono [2004/0125708].

Regarding claim 4, Saito does not teach:

- wherein a time required for the performing of the layer jump and a time required for the setting of the focus position are equal, in each of the at least two target points.

Ono does teach:

- wherein a time required for the performing of the layer jump and a time required for the setting of the focus position are equal, in each of the at least two target points **[§0035, note that the focus is achieved during the time-out wherein the layer jump occurs]**. It would have been obvious to one with ordinary skill in the art at

the time of invention to combine the method taught by Saito with the focus/jump timing of Ono because a normal focus jump determination can be made within the specific time-out period. **[Ono, §0035]**.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito in view of Suzuki [2005/0041546].

Regarding claim 7, Saito teaches:

- wherein in said detecting process, at least one of the first and second position information is detected **[§0028, memorized angular position information]**,

Saito does not teach:

- detection is based on at least one of a first association table and a first association equation each of which associates the address information with the information indicating the radial position or the track number.

Suzuki teaches:

- detection is based on at least one of a first association table and a first association equation each of which associates the address information with the information indicating the radial position or the track number **[§0051]**.

It would have been obvious to one with ordinary skill in the art at the time of invention to combine the method taught by Saito with the address association of Suzuki because it would be possible to easily obtain one of an ADIP and a PSN from the other **[Suzuki, §0056]**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW J. SASINOWSKI whose telephone number is (571)270-5883. The examiner can normally be reached on Monday to Friday, 7:30 to 5:00, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (571)272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance

from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ANDREW J SASINOWSKI/
Examiner, Art Unit 2627

/TAN Xuan DINH/
Primary Examiner, Art Unit 2627
December 17, 2009